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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,607	11/21/2001	Yuko Tsusaka	2001_1746A	1544
513	7590	05/20/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			THAI, HANH B	
			ART UNIT	PAPER NUMBER
			2161	

DATE MAILED: 05/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,607	TSUSAKA ET AL.	
	Examiner	Art Unit	
	Hanh B. Thai	2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on amendment filed January 7, 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-14 and 16-18 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,5-14 and 16-18 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

Art Unit: 2161

This is in response to amendment filed January 7, 2005.

DETAILED ACTION

Response to Amendment

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).
2. Applicant's amendment to the claims 16-18 is acknowledged. Consequently, 35 U.S.C. 101 rejection is withdrawn.
3. Applicant's arguments with respect to claims 1-3, 5-14 and 16-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 8-14 and 16-18 are rejected under U.S.C. 103(a) as being unpatentable over Hurtado et al. (US 6,611,812) of record in view of Wang (US 6,885,748 B1).

Regarding claim 1, Hurtado discloses a distribution content creating apparatus comprising:

- A content storage part operable to store content bodies (col. 9, lns. 25-36 and col. 10, lns 6-8, Hurtado). Secure container is content storage to store content bodies;

- A distribution content creating means for creating a distribution content by reading a content body from said content storage means and providing the content body with a use condition (col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado)
; and
- A distribution content storage part operable to store the distribution content created by said distribution content creating means, wherein said distribution content creating part; wherein part operable to edit management data (col.9, line 25-col. 10, line 64 and col. 90, lns. 55-64, Hurtado); and
- said distribution content creating part is further operate to create the distribution content by providing the content body with a plurality of piece of management data edited by said management data editing part (col. 90, lns. 55-64, Hurtado) and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data (col. 95, lns. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data).

Hurtado does not disclose at least one specific section of the content body indicating the use condition of the specific section, a plurality of different uses of content and a reproduction condition of the content body. Wang discloses system for protection of digital works including specific use conditions on specific content segment as well as reproduction condition of the content (“conditions”, printing “twice”, abstract; summary and col.13, lines 7-35, Wang). It would have been obvious to one of ordinary skill in the art at the time of the invention was made

Art Unit: 2161

to modify Hurtado to include the claimed feature as taught by Wang. The motivation of doing so would have been to solve content protection problem (col.2, lines 12-15, Wang).

Regarding claim 2, Hurtado/Wang combination further discloses that the management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section specified by the management data in return for payment of a predetermined fee (col.9, lns. 61-64, Hurtado).

Regarding claim 3, Hurtado/Wang combination discloses that the management data further indicates a replay order of the section specified by the management data (col. 95, lns. 51-63, Hurtado).

Regarding claim 8, Hurtado/Wang combination discloses the distribution content creating means further includes replay means for reading the distribution content from said distribution content storage part and to replay, based on the management data, the specific section of the content body (col. 91, lns. 43-65, Hurtado).

Regarding claim 9, Hurtado/Wang combination discloses the replay means selects one of the plurality of pieces of management track data included in the read distribution content and, based on at least one piece of the management data included in the management track defined by the management track data, and to replay at least one specific section of said content body (col. 95, lns. 51-63, Hurtado).

Regarding claim 10, Hurtado discloses a method of creating a distribution content including a content body provided with a use condition, said method comprising:

- storing content bodies (col. 9, lns. 25-36 and col. 10, lns 6-8, Hurtado). Secure container is content storage for storing content bodies;

- creating a distribution content by reading a content body stored in said storing of the content bodies and providing the read content body with the use condition (col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado); and
- storing the distribution content created in said creating of the distribution content; wherein in said of the distribution content management, and the distribution content is created by providing the content body with at least one piece of the edited management data (col. 90, lns. 55-64, Hurtado) and with management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data (col. 95, lns. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data).

Hurtado does not disclose at least one specific section of the content body indicating the use condition of the specific section, a plurality of different uses of content and a reproduction condition of the content body. Wang discloses system for protection of digital works including specific use conditions on specific content segment as well as reproduction condition of the content (“conditions”, printing “twice”, abstract; summary and col.13, lines 7-35, Wang). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hurtado to include the claimed feature as taught by Wang. The motivation of doing so would have been to solve content protection problem (col.2, lines 12-15, Wang).

Regarding claim 11, Hurtado discloses a content distribution system comprising:

- a distribution content creating apparatus operable to create a distribution content including a content body provided with a use condition (element 101, Fig.6 and corresponding text; col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado);
- a distributing apparatus operate to distribute the distribution content created by said distribution content creating apparatus (element 111, Fig.6 and corresponding text, Hurtado); and
- a terminal operate to receive and use the distribution content distributed by said distributing apparatus (Device 609, Fig.6 and corresponding text), wherein said distribution content creating apparatus includes: a content storage part operable to store content bodies; a distribution content creating part to create the distribution content by reading a content body from said content storage part, and providing the content body with the use condition; and a first distribution content storage part operable to store the distribution content created by said distribution content creating part; wherein said distribution content creating part includes a management data editing part operable to edit management data, wherein said distribution content creating part is further operable to create the distribution content by providing the content body with a plurality of pieces of the management data edited by said with management track data (col. 95, lns. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data), and said terminal includes receiving means for receiving the distribution content distributed by said distributing apparatus; second distribution content storage part to store the distribution content received by said receiving part;

Art Unit: 2161

and replay part operate to read the distribution content from said second distribution content storage means, and replaying, based on said management data, the specific section of said content body (col. 91, lns. 43-65 and col. 95, lns. 51-63, Hurtado).

Hurtado does not disclose at least one specific section of the content body indicating the use condition of the specific section, a plurality of different uses of content and a replay condition of the content body. Wang discloses system for protection of digital works including specific use conditions on specific content segment as well as reproduction condition of the content (“conditions”, printing “twice”, abstract; summary and col.13, lines 7-35, Wang). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hurtado to include the claimed feature as taught by Wang. The motivation of doing so would have been to solve content protection problem (col.2, lines 12-15, Wang).

Regarding claim 12, Hurtado discloses a terminal for receiving a distribution content including a content body, and a plurality of pieces of management data respectively indicating a use condition which is effective to a specific section of the content body, and the plurality of pieces of management data having management track data which defines as a management track a collection of at least one management data selected from the plurality of pieces of management data, wherein a plurality of different uses of the content body, and the plurality of different uses of the content body, and the plurality of different uses in terms of at least one of a reproduction condition said terminal comprising¹:

- a receiving part operable to receive the distribution content (Device 609, Fig.6 and corresponding text, Hurtado);

¹ Please note that the preamble of the claim does not carry a patentable weight.

Art Unit: 2161

- a distribution content storage part to store the distribution content received by said receiving means (storage 103, Fig.6 and corresponding text); and
- a replay part to read the distribution content from said distribution content storage means, and replaying, based on said management data, the specific section of said content body (col. 91, lns. 43-65 and col. 95, lns. 51-63, Hurtado).

Hurtado does not disclose a plurality of different uses of content and a replay condition of the content body. Wang discloses system for protection of digital works including specific use conditions on specific content segment as well as replay condition of the content (“conditions”, printing “twice”, abstract; summary and col.13, lines 7-35, Wang). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hurtado to include the claimed feature as taught by Wang. The motivation of doing so would have been to solve content protection problem (col.2, lines 12-15, Wang).

Regarding claim 13, Hurtado/Wang combination further discloses the use condition indicated by said management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section specified by the management data in return for payment of a predetermined fee, said terminal further comprises a billing operable to bill charge a fee based on the management data, and when the use condition allows the use of the section for free, and said replay part is operable to replay the section after said billing part charges the fee when the use condition allows the use of the section in return for payment of the predetermined fee (col. 79, lns. 22-46, Hurtado).

Regarding claim 14, Hurtado/Wang combination further discloses that the management data further indicates a replay order of the section specified by the management data, and said

replay operable to replay at least one section specified by the management data in the replay order indicated by the management data (col. 85, ln. 64 to col. 86, ln. 67 and col. 95, lns. 51-63, Hurtado).

Regarding claim 16, Hurtado discloses a distribution content in which an arrangement of information is contained and which is embodied in a processor readable memory, said distribution content comprising:

- a content body (storage 103, Fig.6 and corresponding text). Electronic digital content storage stores the content body; and
- at least one piece of management data (col.9, lns. 55-64 and col. 12, lns. 8-37, Hurtado); and
- management track data which defines, as a management track, a collection of at least one management data selected from the plurality of pieces of management data (col. 95, lns. 8-29, Hurtado and Fig.15, Hurtado showing a collection of management data that reads on management track and data songs on the CD are the track data).

Hurtado does not disclose at least one specific section of the content body indicating the use condition of the specific section, a plurality of different uses of content and a replay condition of the content body. Wang discloses system for protection of digital works including specific use conditions on specific content segment as well as reproduction condition of the content (“conditions”, printing “twice”, abstract; summary and col.13, lines 7-35, Wang). It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Hurtado to include the claimed feature as taught by Wang. The motivation of doing so would have been to solve content protection problem (col.2, lines 12-15, Wang).

Art Unit: 2161

Regarding claim 17, Hurtado/Wang combination further discloses the use condition indicated by said management data prohibits use of the section specified by the management data, allows the use of the section specified by the management data for free, or allows the use of the section specified by the management data in return for payment of a predetermined fee (col.9, lns. 61-64, Hurtado).

Regarding claim 18, Hurtado/Wang combination further discloses said management data further indicates a replay order of the section specified by the management data (col. 95, lns. 51-63, Hurtado).

5. Claims 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hurtado et al. (US 6,611,812) of record, in view of Wang (US 6,885,748 B1) and further in view of Purnaveja et al. (US 6,006,241) of record.

Regarding claim 5, Hurtado and Wang combination discloses a character input part operable to supply a character input to said distribution content creating unit (col. 20, lns. 9-13, Hurtado).

The system of Hurtado and Wang, however, does not disclose GUI input means for supplying a GUI input, wherein said management data editing means makes a GUI screen displayed, the GUI screen including a plurality of management tracks provided along a time axis, said management data editing means edits the management data of the specific section by receiving, through said character input means, a start time and an end time for defining the specific section of said content body on the time axis, and the use condition for the predetermined purpose, and said management data editing means places, based on the edited

Art Unit: 2161

management data, a bar on the management track corresponding to the purposes in said GUI screen.

Purnaveja, discloses the GUI (“LiveScreen, 245, Fig.2) for synchronizing the display of the video stream including the author tool that contains a flipper time track bar of start time and end time indicator (col. 7, lns. 9-19, Purnaveja). It would have been obvious to one of ordinary skill in the art to apply the user interface of Purnaveja to Hurtado’s system. The motivation of doing so is to provide many advantages including the ability of “ease of installation and use” (col. 5, lns. 49-66, Purnaveja).

Regarding claim 6, Hurtado/Wang/Purnaveja combination further discloses the management data storage means for storing the management data edited by said management data editing part (col. 90, lns. 55-64, Hurtado).

Regarding claim 7, Hurtado/Wang/Purnaveja combination further discloses management data editing means reads the management data previously edited from said management data storage means, and places, based on the read management data, a bar on the management track in said GUI screen, and said management data editing means edits the management data by moving one end and/or the other end of the bar along the time axis through an operation by said GUI input part (col. 5, lns. 49-66, Purnaveja).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Lao et al. (US Pub. 2002/0109707 A1) disclose method and apparatus for managing digital content usage rights.

2. Fransdonk (US Pub. 2003/0161473 A1) discloses method and system to securely distribute content via a network.

3. Routtenberg et al. (US Pub. 2002/0049717 A1) discloses digital content distribution system and method.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh B. Thai whose telephone number is 571-272-4029. The examiner can normally be reached on 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 571-272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hanh B Thai
Examiner
Art Unit 2161

May 5, 2005



UYEN LE
PRIMARY EXAMINER